

### **REMARKS**

Claims 1-6 and 9-31 are all the claims currently pending in the application. Based on the following remarks, Applicant respectfully requests reconsideration of the application and allowance of the claims.

#### **I. Rejection of Claims 1, 2, 5, 9-12 & 14-31 Under 35 U.S.C. § 103(a)**

Claims 1, 2, 5, 9-12 and 14-31 stand rejected as being unpatentable over McCallum (U.S. Patent No. 5,784,635; hereinafter “McCallum”), Kennedy et al. (U.S. Patent No. 7,356,460; hereinafter “Kennedy”) and Wiggins (U.S. Appln. Publn. No. 2002/0120473; hereinafter “Wiggins”).

In contrast to independent claim 1, McCallum, Kennedy and Wiggins, taken individually or in combination, do not teach or suggest and are altogether silent regarding an apparatus comprising a processor configured, *inter alia*, to: (A) retrieve said plurality of data points from said memory and *produce* one or more *metrics* from said plurality of data points, at least one of the *metrics comprises data identifying a threshold value* associated with the insurance claims *and specifies an alertable condition*; and (B) analyze data of the insurance claims on a *real-time basis* and *determine a value on the basis of the analyzed data and compare the value with the threshold value* and in an instance in which the *value is below the threshold value, generate an alert that is sent to a device*.

In rejecting claim 1, the Examiner relies on Kennedy, alone or in combination with McCallum and Wiggins, as allegedly disclosing the above features of claim 1. (See pg. 3 of the Office Action) Applicant respectfully disagrees. In contrast to claim 1, Kennedy, alone or in combination, at most discloses a method of processing insurance claims based on information corresponding to a free grammar expression of a provision governing claim adjudications.

In contrast to McCallum, Kennedy and Wiggins, claim 1 recites an apparatus that monitors insurance claims on a real-time basis. In this regard, the apparatus is configured to retrieve data points from a memory and produce metrics from the data points. At least one of the metrics includes data identifying a threshold value associated with the insurance claims and specifies an alertable condition. The apparatus is further configured to analyze data of the

insurance claims on a real-time basis and determine a value on the basis of the analyzed data and compare the value with *the threshold value* and in an instance in which the value is *below the threshold value*, the apparatus is configured to generate an alert that is sent to a device.

Applicant submits that the combination of McCallum, Kennedy and Wiggins does not teach or suggest at least these features of claim 1. Rather, Kennedy, alone or in combination with McCallum and Wiggins, at most discloses that a party may be notified of an adjudication decision upon determining a score that represents a confidence that a claim includes sufficient information to identify that a particular provider exceeds a threshold. In contrast to claim 1, notifying a party of an adjudication decision upon determining that a score based on member information *exceeds a threshold* does not teach or suggest comparing a determined value, that is based on analyzed data of insurance claims analyzed in real-time, to a threshold value and *in an instance in which the value is below the threshold value*, generating an alert that is sent to a device, as per independent claim 1. For at least these reasons, the combination of Kennedy, McCallum and Wiggins is deficient.

Additionally, Applicant submits that Kennedy, alone or in combination with McCallum and Wiggins, does not teach or suggest *metrics* comprising data identifying a *threshold value* associated with the *insurance claims and specifies an alertable condition*, as per independent claim 1. Rather, Kennedy, alone or in combination with McCallum and Wiggins, at most discloses that the threshold and weights therein may be adjusted to minimize balance errors associated with an incorrectly identified provider. In contrast to claim 1, adjusting a threshold and weights to minimize balance errors associated with an incorrectly identified provider, as at most disclosed by Kennedy, alone or in combination with McCallum and Wiggins, does not teach or suggest producing any metrics comprising data identifying a threshold value associated with the insurance claims *and specifying an alertable condition*, as per claim 1. The combination of Kennedy, McCallum and Wiggins is deficient for at least these additional reasons.

Based on at least the foregoing reasons, Applicant submits that the combination of Kennedy, McCallum and Wiggins does not teach or suggest all of the features of independent claim 1. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the

§ 103(a) rejection of claim 1 and its dependent claims 2, 5, 9, 17, 18, 19 and 20.

Since independent claims 10, 12, 14, 15, 16 and 28 contain features that are in some respects analogous to the features recited in independent claim 1, Applicant submits that independent claims 10, 12, 14, and their respective dependent claims 11, 21, 22, 23, 24 and 25 as well as independent claims 15, 16, 28 and their respective dependent claims 26, 27 and 29-31 are patentable at least for reasons analogous to those submitted for claim 1.

## **II. Rejection of Claims 3, 4, 6 & 13 Under 35 U.S.C. § 103(a)**

Claims 3, 4, 6 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over McCallum, Kennedy and Wiggins and further in view of Pish (U.S. Patent Appln. Publn. No. 2003/0009357; hereinafter "Pish"). Applicant traverses this rejection for at least the following reasons.

As discussed above, McCallum, Kennedy and Wiggins, taken individually or in combination, are deficient vis-à-vis independent claims 1 and 12 and Pish does not make up for the deficiencies of McCallum, Kennedy and Wiggins and is not cited for such. Accordingly, Applicant submits that dependent claims 3, 4, 6 and 13 are patentable at least by virtue of their respective dependencies from independent claims 1 and 12. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 3, 4, 6 and 13.

## **III. Conclusion**

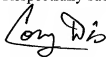
In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Rapillo is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of

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this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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